




**CITY OF DUBLIN**  
**ADMINISTRATIVE ORDERS**  
**OF THE CITY MANAGER**

<b>ADMINISTRATIVE ORDER 2.43</b>	
<b>TO:</b>	City of Dublin Supervisors and Non-Union Employees
<b>FROM:</b>	Dana McDaniel, City Manager 
<b>SUBJECT:</b>	<b>Work Schedule Management for Non-Exempt Non-Union Employees</b>
<b>DATE:</b>	February 8, 2018
This Administrative Order supersedes and replaces Administrative Order 2.43, dated August 15, 2017, Same Subject.	
<b>PROPONENT:</b>	Director of Human Resources

**1. PURPOSE.**

The purpose of this Administrative Order is to provide guidance from the City Manager regarding the authorized methods for work schedule management for non-exempt non-unionized employees. It is provided following the passage by City Council on March 13, 2017, of the revised Non-Union Compensation Plan (Ordinance 15-17). This Compensation Plan now includes a provision for overtime to be paid after an eight (8) hour working day for full time employees who regularly work a normal/standard work week consisting of eight (8)-hour workdays or, for those employees who are on an approved flexible/alternative work schedule, to earn overtime pay if required to work past their regularly scheduled number of hours for that day.

The objectives of the City Manager for this Administrative Order are to;

- a. to increase the availability of public services or otherwise enhance the effectiveness, efficiency, and/or productivity of City operations;
- b. to provide a level of flexibility to employees regarding the establishment of regular work schedules;
- c. to ensure consistency across the workforce regarding the earning of overtime and compensatory time;
- d. to ensure the proper management of work hours versus paid leave utilization
- e. to help maintain high employee morale, and;
- f. to aid in the recruitment and retention of valued employees.

## 2. **SCOPE.**

This Administrative Order is applicable to all non-union non-exempt employees under the Fair Labor Standards Act (FLSA) serving in Full & Part-Time Permanent positions, Full & Part-Time Temporary positions, and Full & Part-Time Seasonal positions unless otherwise noted herein.

3. **DEFINITIONS.** In addition to Dublin City Code Chapter 33 (Personnel Policies) Subsection 33.02 (Definitions), the following definitions are provided:

a. **Compensatory Time:** Compensatory Time is an amount of paid time off that all Non-Exempt employees can accumulate, if the supervisor and employee agree prior to work commencing, in lieu of cash compensation for overtime work performed. This time may be utilized for personal reasons at the employee's discretion provided it is approved in advance by the employee's supervisor. See Table 1 for eligibility.

b. **Core Hours:** Those hours designated by each Department Director during which all employees of that Department must be present unless on an approved flexible work schedule or when approved for leave. Authority to determine core hours is delegated to the Department Director Level, according to their particular organizational requirements. The Department Director may approve different core hours for the various subordinate Divisions, when appropriate.

c. **Flexible Work Schedule (FWS):** A flexible work schedule is an alternative to the normal work week which normally consists of 40 hours based on five (5) consecutive eight (8) hour workdays which begin and end at the same time every day. For the purposes of this Administrative Order, the terms Flexible Work Schedule and Alternative Work Schedule are synonymous and authorized FWS options are discussed in Section 4 of this Administrative Order.

d. **Director:** For the purposes of this Administrative Order are those employees of the City of Dublin who are identified as the head of a Department or Division/Bureau on the City Organization Chart. The title of "Director" need not appear in their official title. For example, The Chief Information Officer is considered a Director.

e. **Normal/Standard Work Week:** Per Chapter 33 (Personnel Policies) Section 33.44 (Hours of Work) of the City Codified Ordinances, "The normal work week consists of 40 hours based on five (5) consecutive eight (8) hour workdays followed by two consecutive days off. The City Manager, at his discretion, may establish hours of work for departments and divisions which differ from the normal work week, or for individual employees in order to meet operational needs, special program needs, unusual, or emergency situations. Deviation from normal working hours for individual employees is not allowed except as approved by the individual employee's Department Head. The Police Department shall operate on a continuous shift system and be open to the public 24 hours per day; the remainder of City offices will be open to the public from 8:00

a.m. to 5:00 p.m. with the exception of weekends and holidays.” Any changes to normal work schedules should be done in consultation with Human Resources who will, in turn, ensure proper coordination with the Payroll Office. In addition, as requirement of the FLSA, this administrative order defines the standard work week cycle for all city employees, with exceptions identified later in this Administrative Order, for the purposes of overtime compensation calculations as beginning on Sunday and ending on Saturday. If an employee works five(5) consecutive eight (8) hour days in the work week and reports to and departs from work at the same time every day it is considered a normal work week.

f. **Paid Leave:** The various forms of paid leave (Vacation, Personal, and Sick) are articulated in and governed by Ordinance 15-17 (Non-Union Compensation Plan) and they are intended and designed for permanent employees to utilize as a flexible means for requesting time off from their regular work schedule for various reasons. Last minute or occasional changes to current work schedules will not be made for the purposes of avoiding the use of Paid Leave. The eligibility to earn or accrue such leave along with Compensatory Time are depicted in Table 1 below.

**TABLE 1 (Eligibility for Paid Leave and Compensatory Time)**

<b>Employee Category</b>	<b>Vacation Leave</b>	<b>Personal Leave</b>	<b>Sick Leave</b>	<b>Compensatory Time</b>
Full Time Permanent	Yes	Yes	Yes	Yes
Part Time Permanent	No	Yes - Prorated	Yes – based on hours worked	Yes
Non-Permanent (Temporary, Seasonals and Interns)	No	No	No	Yes

g. **Regular Work Schedule:** The routine recurring work schedule that an employee is programmed to work from week to week and pay period to pay period. These work hours are typically set and do not change without specific approval of Director. If an employee works five(5) consecutive eight (8) hour days in their work week and reports to and departs from work at the same time every day as part of their “Regular” work schedule it is also considered a “Normal” work week and a request for a flexible work schedule is not needed. The Supervisor merely sets the regular start and end time for work in this case.

#### **4. POLICY.**

a. **City Mission:** It is the policy of the City Manager to accomplish the City's mission and maintain the quantity and quality of work while enhancing employee productivity by allowing flexible work schedules where practicable. The accomplishment of the

City's mission is of paramount importance and shall be the deciding factor in determining which positions may participate in some form of flexible work schedule. Whatever the work schedule, it is an agreement between management and the employee on what the employee's regular work schedule will be.

b. **Business Operations and the Regular Work Schedule:** The approved regular work schedule is the basis for determining overtime entitlements or determining when the employee should request some form of paid leave. When a conflict occurs between business operations and an individual's work schedule, business operations shall take priority. Supervisors will not make alterations to the current week's work schedule in order to avoid paying overtime.

c. **Flexible Work Schedule:** When a request is made, supervisors should look for ways to implement flexible work schedules as business need allows. The use of a flexible work schedule is a privilege, not an entitlement and may not be appropriate for all employees or positions. An employee's Director may revoke this privilege at any time, for any reason. Furthermore, the City Manager may abolish flexible work schedules at any time for any reason in the best interest of the City. Authority to offer the following flexible work scheduling options for a work week is hereby delegated to the Directors for full time employees required to work 40 hours per week.

**OPTION A:** Four 10-hour days in the work week, with employee requesting a specific starting time. Note: As this FWS option will result in three days off per week, if an employee is required to work on their third regular day off that employee will be compensated at the rate of double the regular rate of pay, but only if they were required to work on either or both of their other regular days off. Otherwise, the employee will be compensated at the rate of 1½ times the regular rate of pay.

**OPTION B:** Four 9-hour days and one 4-hour day in the work week, with employee requesting a specific starting time.

**OPTION C:** Five 8-hour days in the work week with varying daily starting times requested by the employee; employee may modify schedule with prior notification and approval of supervisor for a future work week.

**OPTION D:** Any combination of days and hours within the work week consistent for the quarter, that results in the full time employee being required to work no less than 40 hours in that work week. An employee shall be scheduled two consecutive days off within the work week and no one employee shall be regularly scheduled to work more than 10 hours in one day.

d. **Lunch:** Lunches should be normally scheduled between the hours of 11:00am and 2:00pm. Supervisors will ensure that a non-compensable lunch period of at least 30 minutes is at least offered as part of the regular work schedule to all employees required to work more than 6 hours in a day. The employee may decline making this

period of time part of their regular work schedule, as long as this does not conflict with business needs. The specific time and length is subject to supervisory approval. Breaks which are approved for 20 minutes or less throughout the workday are considered compensable time. Lunch periods are not to be scheduled in conjunction with the beginning or end of the normal workday. Further, employees may not decline a lunch period that has been incorporated into the regular work schedule for the purposes of earning overtime/compensatory time or to avoid requesting the use of paid leave or accumulated compensatory time.

## 5. PROCEDURES.

a. **Requesting a Flexible Work Schedule:** Employees interested in working a flexible work schedule must complete the Employee Flexible Work Schedule Request Form and submit to their immediate supervisor. Supervisors will review all the proposed schedules and determine if, individually and in the aggregate, they provide adequate personnel coverage and ensure the effective and efficient functioning of the work unit. Supervisors will explain, in writing, the specific reasons a flexible work schedule is disapproved. If a change to a flexible work schedule from a regular schedule has been denied, the employee may request again in 90 days. The Supervisor will then submit the Flexible Work Schedule Request to their immediate Director for final approval.

b. **Establishing and Managing a Flexible Work Schedule:** Directors are delegated authority to approve plans for flexible work schedules. Before approval can be granted, supervisors must review the flexible work schedule request with their Director. Approval must be provided in writing using the Flexible Work Schedule Request Form and issued to the employee before implementing the change. Directors will provide a copy of the approved Flexible Work Schedule Request Form to Human Resources to be placed into the employees personnel file.

c. **Controls:** Control of the work schedules for employees shall be established and monitored by each supervisor, with Director review and approval. Flexible Work Schedules will be reviewed no less than annually for continued feasibility and equitability.

d. **Changing or Discontinuing a Flexible Work Schedule:** The frequency of, and procedures for, changes in work schedules may be established by each supervisor, with Director approval. Requests to change schedule will be permitted at least quarterly. Supervisors will respond promptly to employee requests. If a change in hours request is denied, the supervisor will still engage in an interactive conversation and look for alternative options. A request for the same hours previously denied may not be requested more frequently than quarterly.

e. **Conflicts of Schedules:** Directors are empowered to resolve conflicts in scheduling that arise between employees requesting the same work hours and/or

schedule when all employee's requests cannot be accommodated. Directors are encouraged to involve the concerned employees and their direct supervisors in working out a practical solution to conflicts in scheduling.

f. **Mandatory Schedule Changes:** When an employee on an approved flexible work schedule is required to travel, participate in a training course, or serve at a location where the hours of work are different than the employee's schedule, the supervisor will make individual adjustments in the work hours on a case-by-case basis to ensure that there are 40 hours of work included in each work week for employees. Where necessary, the supervisor may change an employee's schedule to standard 8 hour days to accommodate critical work assignments requiring this adjustment, to correct work problems resulting from the flexible work schedule, or where there is documented time and/or work schedule abuse. Supervisors will revoke, in writing, flexible work schedules from employees for abuse or in instances when an employee's performance needs to be monitored more closely. Employees will be notified in writing as soon as practical when a change to the work schedule is required to satisfy operational priorities.

g. **Accounting for Leave on a FWS:** Employees on flexible working schedules will be charged from the appropriate leave category in accordance with their regularly scheduled work hours (e.g., 10-hour work day = 10 hours of leave; 8-hour work day = 8 hours of leave). Hours worked and/or charged to leave, holidays, etc., during the work week must total 40 for full-time employees unless an unpaid leave of absence or overtime work is authorized.

h. **Accounting for Closings on a FWS:** When the City is closed for business due to a freak occurrence (e.g. inclement weather, natural disaster) on one of the employee's regularly scheduled workdays, the employee will receive administrative leave according to his/her regularly scheduled work hours for that day (e.g. 10-hour workday = 10 hours of leave; 8-hour workday = 8 hours of leave). This provision is applicable only to employee's serving in Full or Part-Time Permanent positions. If a closure of this nature occurs on a day that is not part of that employee's regularly scheduled work day, no additional compensation or leave shall be awarded.

i. **Accounting for Holidays on a FWS:** The City of Dublin will only provide compensation for up to 8 hours for any specified holiday to full time and part time permanent employees. In order to facilitate this, the employee may either elect to change their work week to five 8-hour days during any work week in which a holiday is observed by the City on a workday or may request to use an authorized/accrued form of leave to account for any hours normally scheduled over eight(8) in that day. Employees, subject to supervisor approval, may modify their work week to work longer on non-holiday workdays to achieve their normal 40 hour work week, but this modification must be requested prior to the work week in which the Holiday occurs.

j. **Accounting for Unpaid Time Off due to a Disciplinary Suspension:** For the purposes of accounting for unpaid time off due to the imposition of a disciplinary suspension for non-exempt employees, a day of suspension will equate to eight (8) hours. Using this standard, a 3-day suspension will equate to 24 hours, a 5-day suspension will equate to 40 hours, and so on. Employees who are serving a suspension will do so continuously in conjunction with their regular work schedule until the hours imposed for suspension are completed. For example: If an employee has a 3 day suspension (24 hours), but works on a four 10-hour day flexible schedule, then that employee will serve 10 hours of suspension on two consecutive days and on the third day serve 4 hours. The employee will then report to work on the third day to complete the remaining 6 hours that work day. Similarly, an employee serving a one day suspension of 8 hours who is regularly scheduled to work 9 hours on the day of suspension will report to work for the remaining hour. Subject to supervisory approval, an employee who has time remaining on a particular day to work after the completion of a suspension may request to use paid leave or compensatory time to complete that work day. Employees are not authorized to work beyond their normally scheduled work day on a day in which a suspension is imposed for the purposes of earning overtime, nor are they authorized to work extra time in a work week to make up for time lost due to a suspension imposed that work week. Under no circumstances will time served under a suspension be included in the calculation of time worked to earn overtime/compensatory time.

k. **Overtime/Compensatory Time:**

(1). The FLSA requires overtime pay for time worked in excess of 40 hours in the work week. The Dublin Compensation Plan also includes time in a paid status as part of that threshold. Further, the Compensation Plan affords full time City of Dublin employees an entitlement to overtime compensation whenever they are required to work beyond their normally scheduled work day. This means those full time employees scheduled a normal 8 hours in a day shall be entitled to overtime for all hours worked in excess of 8 hours that day. Likewise, those full time employees on an FWS that calls for 9, 10, or some other number of hours on a prescheduled regular basis shall earn overtime compensation for any hours beyond what they were scheduled that day. In all cases, any time over 40 regular hours in a work week shall be compensated at the overtime rate. An employee may request compensatory time off in lieu of overtime pay as provided by law, regulation, or City policy, but must do so before the work begins except as provided for by collective bargaining agreement.

(2). Part time employees do not earn an entitlement for overtime or compensatory time until they have worked or been in a paid status for 40 hours during the work week.

(3). The Fair Labor Standards Act (FLSA) requires that before crediting or earning compensatory time an agreement that the time worked will be for compensatory time must be made between the supervisor and the individual employee and must be

reached prior to the performance of work. Otherwise, the overtime will be paid in cash. This agreement with the individual employee need not be in writing.

(4). Per the Non-Union Compensation Plan, the City caps compensatory time accumulation at a maximum of 160 hours. Any overtime hours exceeding the 160-hour maximum will be paid as cash overtime compensation. Compensatory Time can be converted to cash within limitations specified in the Compensation Plan (Ordinance 15-17).

(5). The only authorized database to record the accumulation of Compensatory Time is the KRONOS automated payroll system. Employees may only request to use Compensatory Time that is credited in this system. No other form of tracking Compensatory Time is authorized.

(6). For the purposes of Kronos, those employees who are on a regular flexible/alternative schedule that call for anything other than an 8-hour workday will have their time card set to automatically trigger the authorization for overtime compensation once the employee reaches 40 hours in a work status or a paid status during that work week. Supervisors in this case will need to ensure the overtime hours are credited appropriately for that work week in accordance with the intent of Ordinance 15-17 for the day overtime is earned. Supervisors will not adjust the schedule on subsequent days to avoid an overtime liability for the work week.

I. **Exceptions to the Normal/Standard Work week Cycle:** While the Standard Work week cycle for the purposes of overtime compensation computation purposes is established as beginning Sunday and ending on Saturday for all City employees there are some exceptions/special overtime circumstances as follows:

(1). Provisions for premium pay for working the first and second regular day off or working a seventh consecutive day exist in the various Collective Bargaining Agreements governing our unionized workers and City Ordinance 15-17 for our non-union non-exempt workforce. Under these provisions, the normal work week begins with five consecutive days of work followed by two consecutive days off. If a full time employee is required to work on the first regular day off, then they are entitled to compensation at 1.5 times the regular rate, and if they work the second consecutive regular day off as well, then they are entitled to compensation at double the regular rate. If they do not work the first regular day off and are required to work the second regular day off, then they are compensated at 1.5 times the regular rate. When this second regular day off occurs on Sunday, the hours worked that day do not count toward the 40 hour FLSA requirement in the new week because they have already been credited for at least 1.5 times the regular rate that day for the previous week. The collective bargaining agreements for those employees who are members of the FOP and FOP-OLC are worded differently to reflect work on a "seventh consecutive day", but the intent is similar.



(2). Department Directors may request a different standard work week for specific employees based upon the operational needs of their Department and subordinate Divisions, but they must gain the concurrence of the Directors of Finance and Human Resources and the approval of the City Manager.

m. **Transfers**: Employees transferring from one City Department/Division to another will be required to obtain approval of their previous flexible/alternative work schedule election from their new supervisor and Director or request a new schedule at the time of transfer. A flexible work schedule may not always be feasible in the employees new Department/Division.

6. **EFFECTIVE DATE.** This Administrative Order shall be effective immediately upon distribution. Directors will begin to approve their flexible/alternative work schedule plans at their earliest convenience.

7. **QUESTIONS AND INQUIRIES.** Questions or inquiries regarding this Administrative Order should be directed to the proponent, the Director of Human Resources.



## City of Dublin Flexible Work Schedule Request Form

(Employees complete this form and submit to their Supervisor.)

Employee's Name: \_\_\_\_\_ Date: \_\_\_\_\_

### **Flexible Work week Schedule Options** **(See Section 4.C. of AO 2.43 for more detail)**

**OPTION A:** Four 10-hour days and one day off in each work week, with employee requesting a specific starting time.

**OPTION B:** Four 9-hour days and one 4-hour day in the work week, with employee requesting a specific starting time.

**OPTION C:** Five 8-hour days in the work week with varying starting times pre-selected by employee; employee may modify schedule with prior notification and approval of supervisor. (Do not use if requested start time is the same every day)

**OPTION D:** Any combination of days and hours within the work week, that results in the full time employee being required to work no less than 40 hours in that work week.

1. Alternative work schedule option requested (A, B, C or D): \_\_\_\_\_

2. If Option A is requested, circle the day you wish to be scheduled off:

Monday   Tuesday   Wednesday   Thursday   Friday

a. Lunch requested: 30 Minutes / 1 Hours / None (Circle one) Time: \_\_\_\_\_

b. Regular/Daily Start Time requested: \_\_\_\_\_

3. If Option B is requested, circle the day you wish to be scheduled for four (4) hours:

Monday   Tuesday   Wednesday   Thursday   Friday

a. Lunch requested: 30 Minutes / 1 Hours / None (Circle one) Time: \_\_\_\_\_

Note: Lunch will not be scheduled on the 4-hour day.

b. Regular/Daily Start Time requested: \_\_\_\_\_

4. If Option C is requested, indicate the Start Time for each 8-hour day:

Monday      Tuesday      Wednesday      Thursday      Friday

Start Time: \_\_\_\_\_

a. Lunch requested: 30 Minutes / 1 Hours / None (Circle one) Time: \_\_\_\_\_

5. If Option D is requested, indicate the hours and start time for each day:  
(No more than 10 hours in one day and must total 40 for the work week)

Monday      Tuesday      Wednesday      Thursday      Friday

Hours: \_\_\_\_\_

Start Time: \_\_\_\_\_

a. Lunch requested: 30 Minutes / 1 Hours / None (Circle one) Time: \_\_\_\_\_  
(Lunch breaks will not be scheduled for any day that is 6 hours or less)

6. Employee justification for requesting a Flexible Work Schedule:

\_\_\_\_\_  
Employee's Signature

### **Supervisor's Recommendation for Approval**

☐ Approve

☐ Disapprove

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

Comments: If request is disapproved, appropriate justification must be provided in the space that follows.)

### **Director Approval**

☐ Approved

☐ Disapproved

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

Comments: If request is disapproved, appropriate justification must be provided in the space that follows.)